

11-14-05

PATENT APPLICATION

ATTORNEY DOCKET NO. 10001279-1

AF/2136

JPW



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Wooyoung Kim et al.

Confirmation No.: 9724

Application No.: 09/732,621

Examiner: Colin, Carl G.

Filing Date: 12/08/2000

Group Art Unit: 2136

Title: DISCOVERY OF AN ADVERTISING SERVICE IN E-SPEAK

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in **triplicate** is the Reply Brief with respect to the Examiner's Answer mailed on 09/12/2005. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Respectfully submitted,

Wooyoung Kim et al.

By R. Ross Viguet

R. Ross Viguet

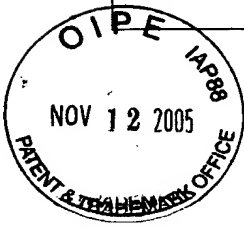
Attorney/Agent for Applicant(s)
Reg. No. 42,203

Date: 11/10/2005

Telephone No.: (214) 855-8185

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10001279-1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Wooyoung Kim et al.

Application No.: 09/732,621

Confirmation No.: 9724

Filed: December 8, 2000

Art Unit: 2136

For: DISCOVERY OF AN ADVERTISING
SERVICE IN E-SPEAK

Examiner: Carl G. Colin

APPELLANT'S REPLY BRIEF (37 CFR 1.193(B))

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

This Reply is in response to the Examiner's Answer mailed September 12, 2005 (hereinafter the "Answer"). Appellant respectfully requests withdrawal of the final rejection and allowance of the above-captioned application. Should the Primary Examiner not find the comments contained herein persuasive, acknowledgement of receipt and entry of this Reply Brief is requested.

Corrected Appeal Brief

Appellant is submitting with this Response to Examiner's Answer a Corrected Appeal Brief addressing the deficiencies identified by the Appellee.

Summary of Reply Arguments Presented Below

- (A) Claims 1 and 8 stand improperly rejected under 35 U.S.C. § 102(e).
- (B) Claims 2 and 9 stand improperly rejected under 35 U.S.C. § 102(e).
- (C) Claim 5 stands improperly rejected under 35 U.S.C. § 102(e).
- (D) Claims 6-7 and 12-13 stand improperly rejected under 35 U.S.C. § 102(e).

Reply Arguments

- (A) Claims 1 and 8 stand improperly rejected under 35 U.S.C. § 102(e).

Appellee raises two issues regarding Appellants arguments for claims 1 and 8 in the Appeal Brief. First, Appellee disputes Appellant's assertion that the rejection based on Bae does not include enough elements to account for every element of Claims 1 and 8. Claims 1 and 8 require receiving a query from a client, sending the query from the system core to a remote core, and identifying a remote resource. In the Appeal Brief, Appellant showed that in both the Final Office Action and the Advisory Action, the rejection put forth by the Appellee lacked at least one of these elements.

The Examiner's Answer does not correct this deficiency. Appellee now is trying to contend that sending the query from the client browser to the web server corresponds to receiving a query from the client as recited in claims 1 and 8, while maintaining the assertion that the web server, or CoolIce system, is the remote core, and the client system is the system core. The client sending a request to the web server (Appellee's remote core), in the Appellee's argument, does not meet the limitation of claim 1 which requires a method of locating a remote resource using a system core, comprising: receiving a query from a client, and sending the query from the system core to a remote core, or claim 8 which requires a system core computer program executable by a system core and comprising instructions for receiving a query from a client and sending the query to a remote core. Appellee's

description still cannot make the elements of Bae match the stated limitations in claims 1 and 8.

Second, the Appellee contends that the argument in the first paragraph of the Appeal Brief is not contained in the claims. Appellant respectfully disagrees. Appellant shows that Bae cannot describe “locating a remote resource”, as required by claims 1 and 8 because Bae requires the user to specify the database to be searched either through entering the URL of the database or selecting it from a list. Col. 12, lines 12-26. Appellee correctly states that the process cited by the Appellant is for the registration of new services. The Appellant used this portion of Bae, however, because this is the only portion of Bae where the user sees identifying information of a remote database, which is the only element described in Bae which could correspond to the claimed “remote resource”, in the rejection put forward by the Appellee.

As Appellant has shown that the user registration portion of Bae, the only portion of Bae wherein information identifying a remote resource is received, does not meet the claim limitations of claims 1 and 8, Appellant has shown that the claim cannot be anticipated by Bae. Moreover, Appellee has yet to set forth a coherent interpretation of Bae wherein each element is arranged as required by the claim. Appellant asserts that the reason Appellee has not been able to accomplish such an arrangement is because the teachings of Bae (using remote terminals to access proprietary databases having various command language formats, see Abstract) are so fundamentally disparate from the present invention as claimed.

Appellee’s other attempts to find structure in Bae that would correspond to a remote resource, column 10, lines 48-51 and column 4, lines 31-62 cited in the Advisory Action, cannot meet this limitation. The hyperlinks 126 of Bae shown to the user through an HTML screen are used to locate the URL of the CoolIce Server which may be local, column 10, lines 43-48, when the user is an employee, or a remote server, column 10, lines 48-51, when the user is not an employee of the enterprise. As described, the CoolIce server has been identified by the Appellee as the remote core, and therefore the URL of the CoolIce server, whether local or remote, cannot be the remote resource required by claims 1 and 8. Column 4, lines 31-62 describe running an SQL script in a database management system based on data provided by a user, and returning the resulting data from the database, but never describes identifying a remote resource as required by claims 1 and 8.

As Bae does not show all the elements as required by claims 1 and 8 for the reasons set forth above, the rejection under §102(e) is improper.

(B) Claims 2 and 9 stand improperly rejected under 35 U.S.C. § 102(e).

Appellant, in regard to the limitations of claims 2 and 9, again does not correctly associate the proper functions with the proper elements in relation to Bae. Specifically, Appellee states that the CoolIce server is an advertising service. Appellant respectfully disputes this assertion for the reasons discussed with respect to claim 5; however, the Appellee has equated the CoolIce server with the remote core of claims 2 and 9 (through their dependencies from claims 1 and 8). Page 4, line 1 of the Examiner's Answer. However, claims 2 and 9 require that the advertising service be associated with the system core, not the remote core (CoolIce Server), that the Appellee's argument requires. As Bae does not show an advertising service associated with a system core, as required by claims 2 and 9, the rejection under §102(e) is improper.

(C) Claim 5 stands improperly rejected under 35 U.S.C. § 102(e).

Appellant has noted in the Appeal Brief that the Appellee has never shown how the CoolIce system of Bae corresponds to the advertising service of claim 5, as well as claims 2 and 9. The Appellee, in the Examiner's Answer, points to column 13, lines 60-67 to attempt to link Bae's CoolIce system to the advertising service of claim 5. The cited portion of Bae clearly does not do this. The column 13, lines 60-67 citation put forth by the Appellee describes Figure 10, which shows the process of using the CoolIce data wizard. The data wizard of the CoolIce system of Bae is not an advertising service as required by claim 5, but rather is a script writer that converts the data supplied by a user into one or more sequenced commands in the command language of the database management system. Abstract and Col. 4, lines 32-45. As Bae does not show an advertising service as required by claim 5, the rejection under §102(e) is improper.

(D) Claims 6-7 and 12-13 stand improperly rejected under 35 U.S.C. § 102(e).

With regard to claims 6-7 and 12-13, the Appellee claims that the "path of communication that guides to the Cool Ice Homepage" is a portal in accordance with the limitations of claims 6-7 and 12-13. Examiner's Answer, page 5, line 7. Appellee's assertion

would mean that any "world wide web path" would be a portal in accordance with the claim of the present application. Applicant respectfully disagrees with this characterization. At the very least, claims 6-7 and 12-13 require that the query be sent to be run in the portal. The "path of communication" asserted by the Appellee to be the portal cannot run the query as required by the claims and therefore, cannot be the portal recited by claims 6-7 and 12-13. As Bae does not show a portal, as required by claims 6-7 and 12-13, the rejection under §102(e) is improper.

Conclusion

Applicant respectfully asserts that, for the reasons set forth above, Claims 1-13 are allowable over the rejections of record and that Appellee has failed to establish a prima facie case for rejecting any of claims 1-13.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10001279-1 from which the undersigned is authorized to draw.

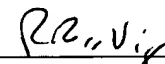
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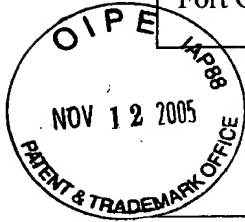
Respectfully submitted,

By: 

Ross Viguet
Attorney/Agent for Applicant(s)
Reg. No. 42,203
Date: November 10, 2005
Telephone No. (214) 855-8185

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10001279-1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Wooyoung Kim et al.

Application No.: 09/732,621

Confirmation No.: 9724

Filed: December 8, 2000

Art Unit: 2136

For: DISCOVERY OF AN ADVERTISING
SERVICE IN E-SPEAK

Appellee: C. G. Colin

CORRECTED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on April 21, 2005, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- | | |
|------------|---|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Claimed Subject Matter |
| VI. | Grounds of Rejection to be Reviewed on Appeal |
| VII. | Argument |
| VIII. | Claims |
| IX. | Evidence |
| X. | Related Proceedings |
| Appendix A | Claims |

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Development Company, L.P., a Texas Limited Partnership having its principle place of business in Houston, Texas.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 13 claims pending in the application.

B. Current Status of Claims

1. Claims canceled: none
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-13
4. Claims allowed: none
5. Claims rejected: 1-13

C. Claims On Appeal

The claims on appeal are claims 1-13

IV. STATUS OF AMENDMENTS

An Amendment dated August 19, 2004 was filed in response to the first Office Action dated May 20, 2004. In that Amendment, claim 1 was amended to correct a typographical error. Appellant filed a Response After Final Rejection on March 18, 2005, which did not

include any amendments. The claims are enclosed herein as Appendix A, and include the amendment of August 19, 2004.

V. SUMMARY OF CLAIMED SUBJECT MATTER

According to claim 1, a method for locating resources using a system core includes the steps of receiving a query from a client (922, Figure 9B, page 14, lines 1-3); sending the query from a system core to a remote core over a communications network (924, Figure 9B, page 14, lines 3-4); and in response to the query, receiving from the remote core a message identifying a remote resource (930, Figure 9B, page 14, lines 32-33). According to claim 2, the method further includes, prior to sending the query, running the query in an advertising service associated with the system core (202B and 600, Figure 6, page 12, lines 3-7). According to claim 5, the method further includes that the query sent by the system core is run against an advertising service associated with the remote core (924, Figure 9B, page 14, lines 3-4). According to claim 6, the method further includes accessing a portal (942, Figure 9C, page 14, lines 18-19); sending the query to be run on the portal (944, Figure 9C, page 14, lines 19-21); and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal (946, Figure 9C, page 14, lines 19-21).

According to claim 8, a system for locating remote resources includes a system core (202A, Figure 6, page 11, lines 25-28) connected to a communications network (602, Figure 6, page 11, lines 22-24); a system core computer program executable by the system core and comprising computer instructions for receiving a query from a client (922, Figure 9B, page 14, lines 1-3); sending the query to a remote core (924, Figure 9B, page 14, lines 3-4); and in response to the query, receiving from the remote core a message identifying a remote resource (930, Figure 9B, page 14, lines 32-33). According to claim 9, the system further includes, an advertising service associated with the system core (600, Figure 6, page 11, line 32 through page 12, line 2); wherein the system core further includes computer instructions for running the query from the client against the advertising service prior to sending the query (202B and 600, Figure 6, page 12, lines 3-7). According to claim 12, the system further includes a portal connected to the communications network (901, Figure 9A, page 15, lines 11-12), wherein the system core further includes computer instruction for locating the remote

core by accessing the portal (942, Figure 9C, page 14, lines 18-19); sending the query to be run by the portal (944, Figure 9c, page 14, lines 19-21); and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal (946, Figure 9C, page 14, lines 19-21).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-13 properly stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,295,531 to Bae et al., (hereinafter *Bae*).

VII. ARGUMENT

A. Claims 1, 3, 4, 8, 10 and 11

Claims 1, 3, 4, 8, 10 and 11 stand rejected by the Appellee under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,295,531 to Bae et al., (hereinafter *Bae*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Appellants respectfully assert that the rejection does not satisfy these requirements.

Claim 1 requires, “receiving a query from a client; sending the query from the system core to a remote core over a communication network; and in response to the query, receiving from the remote core a message identifying a remote resource.” Claim 8 requires a “system core computer program comprising computer instructions for . . . receiving a query from a client; sending the query to a remote core; and in response to the query, receiving from the remote core a message identifying a remote resource.” The Appellee cites to column 12, lines 6–35 and column 16, lines 24-39 of *Bae* as teaching these claim limitations. However,

Appellants respectfully assert that the cited selections from *Bae* do not teach or suggest these claim limitations of claims 1 or 8.

The Appellee, in the Final Office Action dated January 27, 2005, identified the web server of *Bae* as corresponding to the system core of claims 1 and 8 and identified the database of *Bae* as corresponding to the remote core of claims 1 and 8. Claims 1 and 8 require receiving from the remote core a message identifying a remote resource. The Appellee has pointed to the URL path in *Bae*, which is the URL path of the database, as identifying a remote resource. Appellant respectfully disagreed in the Response to the Final Office Action dated March 18, 2005. Appellant argued that if the URL path is the URL path of the database, or remote core according to the Final Office Action, it is not identifying a remote resource as set forth in claims 1 and 8. According to the Appellee's own analysis, the element being identified by the URL is the database (remote core) and not a remote resource.

In the Advisory Action dated April 5, 2005, the Appellee attempted to clarify this position by stating that a typographical error had been made in the Final Office Action. The Appellee stated that the client of *Bae* corresponds to the system core in claims 1 and 8, the web server corresponds to the remote core, and the database is the remote resource. For the reasons described below the Appellant respectfully disagrees that *Bae* identifies a remote resource as set forth in claims 1 and 8, but even with the Appellee's interpretation of *Bae* as set forth in the Advisory Action, the Appellee has not accounted for each element of claims 1 and 8. Claims 1 and 8 requires receiving a query from a client. If the client of *Bae* is the system core of claims 1 and 8, the Appellee's rejection lacks the element of receiving a query from a client recited in claims 1 and 8.

Next, in the Response to Arguments of the Final Office Action dated January 27, 2005, the Appellee stated that *Bae* discloses "sending a query from the system core (web server) to the remote core (database) as illustrated in figures 3, 4, 9 and 13". The Appellee asserts that the resultant result (SQL script or HTML page) meets the recitation of a message identifying a remote resource because a typical URL path identifies a remote resource as is disclosed in column 12, lines 5-35.

Appellant respectfully disagrees with the Appellee's contentions and conclusions regarding Bae. Specifically, Appellant disagrees that the URL of the database qualifies as identifying a remote resource as required by claims 1 and 8. With reference to the Appellee's contentions, it is clear that Bae requires that the user of the internet terminal specify the URL of the database the user wishes to query and that the user needs to identify and register databases. Column 15, lines 58-67. Specifically, the user needs to supply the TCP/IP address, database type, user-id, password, and logical name for the data source within Cool ICE. It is clear in Bae that the user must specify the database which the user wants to query, therefore, the URL associated with the database searched is not new information to the user. The user of Bae is, therefore, not locating a remote resource as from claims 1 and 8. Rather, the user has already specified the identity of the database to be searched, either by typing in the URL or by selecting it from a list. The return of the URL for that database, which has already entered by the user, cannot, as a result, be a message identifying a remote resource as suggested by the Appellee and claimed in claim 1.

In the Advisory Action dated April 5, 2005, the Appellee further stated that column 10, line 42 through column 11, line 10 and the illustration of Figure 6 shows an example where the user receives a message identifying a remote resource. More specifically, the Appellee states that column 10, lines 48-51 describe hyperlinks 126 which identify a remotely located server in screen 118. Appellant respectfully asserts that the Appellee is mischaracterizing the description in Bae. Beginning on line 43 of column 10, Bae clearly states that the hyperlink 126 is used in locating the URL of the Cool ICE resident server (equated to the remote core of claims 1 and 8 by the Appellee in the Advisory Action), which will be the URL of the internet access provider or internet terminal as when the internet terminal is owned by the enterprise and the user is an employee. Bae continues by stating that if the internet terminal is not owned by the enterprise and the employee is not a user, it becomes more likely that the hyperlink identifies a remotely located server. Therefore, the hyperlink identified by the Appellee as identifying a remote resource, does not in fact identify a remote resource as required by claims 1 and 8, but rather, identifies the Cool ICE server, or remote core according to the Appellee's Advisory Action, which happens to be remote when it is not owned by the enterprise and the user is not an employee. Therefore, Bae does not show every element in complete detail as is contained in claims 1 and 8.

Alternatively, if the Appellee is arguing that the contents of the web page are a remote resource as required by claims 1 and 8, nothing in Bae suggests that the contents of the web page returned by the database of Bae meet this limitation. When an existing query definition is to be executed, the Cool ICE engine 428, which is essentially the Classic MAPPER database management system, runs the corresponding SQL script, thereby accessing the remote databases 422 and producing a report with the retrieved information. Col. 16, lines 37 – 49. That report is formatted within Web server 400 into an HTML page that is then transferred to the Internet workstation 396. Col. 16, lines 44 – 49. The report that is delivered to the Internet workstation 396 is a presentation of the results from the remote databases 422 in the form of a human-readable “report” constructed from the data residing in the database. Col. 16, lines 48 – 49, and col. 2, lines 11-19. Nothing in Bae’s description suggests that the contents of the HTML page are identifying a remote resource. Bae, therefore, does not teach each and every element of claims 1 and 8.

Dependent claims 3-4 and 10-11 each depend directly from base claim 1 or 8, respectively, and, thus, inherit each and every limitation thereof. Therefore, because of their dependency, claims 3-4 and 10-11 teach limitations not disclosed or suggested by Bae. Accordingly, these claims 1, 3, 4, 10 and 11 are asserted to be patentable over the §102(e) rejection of record for at least the reasons set forth above.

B. Claims 2 and 9

Claims 2 and 9 stands rejected by the Appellee under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,295,531 to Bae et al., (hereinafter *Bae*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,”

Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Appellants respectfully assert that the rejection does not satisfy these requirements.

In addition to the limitations inherent in claim 2 from its dependency from claim 1, claim 2 requires prior to sending the query, running the query in an advertising service associated with the system core. In addition to the limitations inherent in claim 9 from its dependency from claim 8, claim 9 requires an advertising service associated with the system core, wherein the system core computer program further includes computer instructions for running the query from the client in the advertising service prior to sending the query. The Appellee has cited column 13, lines 20-33 and column 13, line 60 through column 14, line 51 of Bae as reciting these limitations. Appellant respectfully disagrees that the cited portions of Bae describe these limitations. The Appellee has not provided any specific recitation as to how the cited portions of Bae correspond to the limitations of claims 2 and 9, however the cited portions refer to the system of Figure 9 and flowchart of Figure 10 in Bae. Column 14, lines 7-14 of Bae state that the data source of Bae may be co-located with the Cool ICE system or may be remote. This, however, does not describe “prior to sending the query, running the query in an advertising service associated with the system core” as required by claim 2, or “running the query from the client in the advertising service prior to sending the query” as required by claim 9.

As stated, in the Advisory Action, the Appellee has equated the Cool ICE system of Bae with the remote core of claims 2 and 9 (through its dependency from claims 1 and 8, respectively) and the client of Bae with the system core of claims 2 and 9. This interpretation requires that the client of Bae run the query in order to meet the limitations of claims 2 and 9. This is clearly not described in Bae. The client of Bae initiates the query, see column 10, lines 63-65, and is incapable of running the query in an advertising service associated with the system core. Further, the Appellee has failed to identify the structure in Bae that corresponds to the advertising service required by claims 2 and 9. For at least these reasons, Bae does not teach each and every element of claims 2 and 9. Accordingly, claims 2 and 9 are asserted to be patentable over the §102(e) rejection of record for at least the reasons set forth above.

C. Claim 5.

Claim 5 stands rejected by the Appellee under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,295,531 to Bae et al., (hereinafter *Bae*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Appellants respectfully assert that the rejection does not satisfy these requirements.

In addition to the limitations inherent in claim 5 from its dependency from claim 1, claim 5 requires the query sent by the system core is run against an advertising service associated with the remote core. However, the Appellee has failed to identify the structure in *Bae* that corresponds to the advertising service required by claim 5. For at least this reason, *Bae* does not teach each and every element of claim 5. Accordingly, claim 5 is asserted to be patentable over the §102(e) rejection of record for at least the reasons set forth above.

D. Claim 6-7 and 12-13.

Claims 6 and 7 stand rejected by the Appellee under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,295,531 to Bae et al., (hereinafter *Bae*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,”

Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Appellants respectfully assert that the rejection does not satisfy these requirements.

In addition to the limitations inherent in claims 6 and 7 from their dependency from claim 1, claims 6 and 7 require accessing a portal, sending the query to be run on the portal, and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal. In addition to the limitations inherent in claims 12 and 13 from their dependency from claim 8, claims 12 and 13 require a portal connected to the communications network, wherein the system core computer program further includes computer instructions for locating the remote core by accessing the portal, sending the query to be run by the portal, and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal. The Appellee has cited column 13, line 61 through column 14, line 22 and column 14, line 23 through column 15, line 5 of Bae as reciting these limitations. Appellant respectfully disagrees that the cited portions of Bae describe these limitations. The Appellee has not provided any specific recitation as to how the cited portions of Bae correspond to the limitations of claims 6-7 and 12-13. The portions of Bae cited by the Appellee refer to the flowchart of Figure 10, and column 14, lines 7-14 of Bae state that the data source of Bae may be co-located with the Cool ICE system or may be remote. This, however, does not describe “accessing a portal, sending the query to be run on the portal, and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal” as required by claims 6 and 7, or “accessing the portal, sending the query to be run by the portal, and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal” as required by claims 12 and 13.

While Bae indicates that the database searched may either be co-located with the Cool ICE system or remote from the Cool ICE system, Bae does not describe, and the Appellee has provided no reference to, the mechanism by which Bae accesses remote data sources. Claims 6 and 7 require accessing a portal, sending the query to be run on the portal, and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal. Claims 12 and 13 require a portal connected to the communications network, wherein the system core computer program further includes computer instructions for locating the remote core by accessing the portal, sending the query

to be run by the portal, and receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal. These limitations are not described in Bae. Accordingly, claims 6-7 and 12-13 are asserted to be patentable over the §102(e) rejection of record for at least the reasons set forth above.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As noted above, the claims enclosed herein as Appendix A include the amendment of August 19, 2004.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Appellee is being submitted.

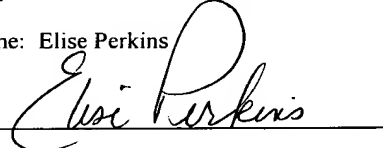
X. RELATED PROCEEDINGS

No related proceedings are referenced in II. Above. There are no related proceedings or copies of decisions to be provided.

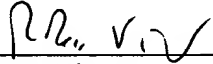
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV482708602US, in an envelope addressed to: MS Appeal Brief – Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: November 10, 2005

Typed Name: Elise Perkins

Signature: 

Respectfully submitted,

By 
R. Ross Viguet
Attorney/Agent for Appellant(s)
Reg. No.: 42,203

Date: November 10, 2005

Telephone No. (214) 855-8185



APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/732,621

1. A method of locating a remote resource using a system core, the method comprising:
receiving a query from a client;
sending the query from the system core to a remote core over a communication network; and
in response to the query, receiving from the remote core a message identifying a remote resource.
2. The method of Claim 1 further comprising:
prior to sending the query, running the query in an advertising service associated with the system core.
3. The method of Claim 1, further comprising:
prior to sending the query, authenticating the system core.
4. The method of Claim 1, further comprising:
receiving a key ring from the remote core, the key ring representing the client's permission to access a resource registered in the remote core.
5. The method of Claim 1, wherein the query sent by the system core is run against an advertising service associated with the remote core.
6. The method of Claim 1, further comprising:
prior to sending the query, locating a remote core by:
accessing a portal;
sending a query to be run in the portal; and
receiving a connection object from the remote core associated with a remote advertising service matching the query run by the portal.

7. The method of Claim 6, further comprising:
establishing a connection with the remote core using the connection object;
retrieving an identification of a resource handler of a remote resource matching the query received from the client; and
contacting the resource handler to access the remote resource.
8. A system for locating remote resources, the system comprising:
a system core connected to a communication network; and
a system core computer program executable by the system core, the system core computer program comprising computer instructions for:
receiving a query from a client;
sending the query to a remote core; and
in response to the query, receiving from the remote core a message identifying a remote resource.
9. The system of Claim 8 further comprising:
an advertising service associated with the system core;
wherein the system core computer program further comprises computer instructions for:
running the query from the client against the advertising service prior to sending the query.
10. The system of Claim 8 wherein the system core computer program further comprises computer instructions for:
sending an authentication message to the remote core prior to sending the query.
11. The system of Claim 8 wherein the system core computer program further comprises computer instructions for:
receiving a key ring from the remote core, the key ring representing the client's permission to access a remote resource registered in the remote core.

12. The system of Claim 8 further comprising:
a portal connected to the communication network;
wherein the system core computer program further comprises computer instructions
for:

locating the remote core by accessing the portal;
sending a query to be run by the portal; and
receiving a connection object from the remote core associated with a remote
advertising service matching the query run by the portal.

13. The system of Claim 12 wherein the system core computer program further
comprises computer instructions for:

sending the query to the remote core by invoking a connection with the remote core
using the connection object; and

retrieving an identification of a resource handler from the remote core, wherein the
resource handler handles a remote resource matching the query received from the client.